



# **BOROUGH COUNCIL MEETING - OCTOBER 3, 2022**

## **AGENDA**

**Monday, October 03, 2022 at 7:00 PM**  
**Online via Zoom**

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### **CALL TO ORDER - Mayor Davy**

### **ROLL CALL - Borough Clerk - Betty Sterling**

Angarone; Chandler; Gnatt; Gross; Marciante; Stern; Davy

### **OPEN PUBLIC MEETINGS STATEMENT**

Notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board at Borough Hall at 30 North Main Street and on the Borough website according to the regulations of the Open Public Meetings Act.

### **OPEN TO THE PUBLIC - AGENDA ITEMS ONLY**

Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Clerk acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

### **MAYOR'S BUSINESS**

1. Resignation - Todd MacDonald - Shade Tree
2. Resignation - Jeanne Van Orman - Planning Board - Alternate 1
3. Re-assign Amy Kassler-Taub from Planning Board Alternate 2 to Alternate 1
4. Mayor's Appointments

Michael Briehler - Economic Development - Alternate 1 - Term ending December 31, 2022

5. Re-assign John Valencia from Environmental Commission to Planning Board Alternate 2 (Mayor's Appointment) for an unexpired term ending December 31, 2022
6. DEP - EV Charger Grant for Equipment - Denied  
BPU - EV Charger Grant for Installation - Awarded

## **APPROVAL OF MINUTES**

- [7.](#) Regular Council Meeting Minutes - September 7, 2022

## **APPROVAL OF CLOSED SESSION MINUTES (FOR CONTENT BUT NOT FOR RELEASE)**

8. Closed Session Minutes - August 1, 2022

## **ORDINANCES FOR INTRODUCTION**

## **ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

- [9.](#) Ordinance 2022-12 - Bond Ordinance Amending Bond Ordinance Numbered 2022-6 of the Borough of Pennington, in the County of Mercer, New Jersey, Finally Adopted May 2, 2022, in Order to Amend the Descriptions of the Projects and to Provide for the Funding of An Emergency Appropriation
- [10.](#) Ordinance 2022-13 - An Ordinance Amending Chapter 200 of the Code of the Borough of Pennington Concerning Stop Intersections

## **COMMITTEE REPORTS**

11. **Planning & Zoning / Personnel / Parks & Recreation** – Ms. Gnatt  
Planning/Zoning Report 2021
12. **Public Safety / Economic Development / Environmental** – Mrs. Chandler
13. **Public Works** – Ms. Stern
14. **Finance & Technology / Board of Health** – Mr. Gross
15. **Historic Preservation / Library** – Ms. Angarone
16. **Open Space / Shade Tree** – Ms. Stern
17. **Senior Advisory** – Mayor Davy

## **COUNCIL DISCUSSION**

18. Halloween 2022

## **NEW BUSINESS**

- [19.](#) Resolution 2022-10.1 - Resolution Authorizing Refunds
- [20.](#) Resolution 2022-10.2 - Resolution Authorizing Payment of Bills
- [21.](#) Resolution 2022-10.3 - Resolution Authorizing Repairs to 2005 Peterbilt Garbage Truck Resulting from Preventative Maintenance Inspection Under State Contract #T-2108-A89268
- [22.](#) Resolution 2022-10.4 - Resolution Authorizing Purchase of Enclosed Trailer From FDR Hitches Under State Contract 19-FLEET-00879 and Rescinding Resolution 5.24

- [23.](#) Resolution 2022-10.5 - Resolution Authorizing Purchase of Treated Rock Salt From Morton Salt, Inc. Under Mercer County Cooperative Purchasing System
- [24.](#) Resolution 2022-10.6 - Resolution Authorizing Advertisement for Bids for Improvements to West Franklin Avenue and Knowles Street - FY2021
- [25.](#) Resolution 2022-10.7 - Resolution Authorizing Expenditures From Open Space Fund to Install a 30' x 30' Basketball Pad and Basketball Hoop at Kunkel Park
- [26.](#) Resolution 2022-10.8 - Resolution Authorizing Extension of Paid Internship for Mona Habiby in the Borough Business Office
- [27.](#) Resolution 2022-10.9 - Resolution Adopting "Pennington Borough Council Handbook and Bylaws"

### **PROFESSIONAL REPORTS**

Borough Attorney - Walter Bliss  
Police Chief - Doug Pinelli  
Superintendent of Public Works – Rick Smith  
Borough Clerk – Betty Sterling  
Chief Financial Officer – Sandra Webb

### **PUBLIC COMMENT PERIOD**

Please raise your hand so the Borough Administrator can acknowledge you. Please state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

### **CLOSED SESSION**

**AT, PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Property Acquisition - Open Space

Personnel Matter - Police

Personnel - Borough Administrator

Litigation - Hopewell Township - PILOT

Shade Tree Investigation

AT, PM, Mayor and Council returned to open session.

### **ADJOURNMENT**

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Regular Meeting  
September 6, 2022  
Page 1**Pennington Borough Council  
Regular Meeting – September 6, 2022**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Gross, Marciante, and Stern in attendance.

Also present were Public Works Superintendent Rick Smith, Chief Doug Pinelli and Borough Attorney Walter Bliss.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

**Open to the Public – Agenda Items Only**

Mayor Davy read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Administrator acknowledges your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public on agenda items.

Mayor Davy announced that a presentation by the Borough Auditor on the 2021 Audit Report was omitted from the agenda, the presentation will be later in the meeting.

**Mayor's Business**

Mayor Davy announced that Standard and Poors released a report indicating that the S & P rating for the Borough which was AA+ two years ago with a negative outlook has now been upgraded to stable. Mayor Davy stated that this is due in large part to the restoration of fund balance and this is good news for the Borough. Mayor Davy recognized the hard work of Betty Sterling, Sandy Webb as well as our Financial Advisors, Phoenix Advisor for their input in getting the rating upgraded. Mayor Davy also recognized the efforts of Borough Council with regard to adopting a budget that has in mind replenishment of surplus, which was accomplished through tough decisions that had to be made.

Mayor Davy introduced Borough Auditor, Andy Hodulik to present a report on the 2021 Audit. Mr. Hodulik stated that the findings in the financial statements for the year ending 2021 were very positive. Mr. Hodulik stated that the Borough has been able to replenish surplus year over year and he hopes that the trend continues. Mr. Hodulik stated that the Water/Sewer Utility fund balance did decrease which is not uncommon given the current economic conditions. Mayor Davy stated that as part of this year's budget process Council approved a rather large rate increase that was a difficult decision but it was necessary. Mr. Hodulik stated that the auditor's opinion is clean and the report reflects the highest rating the Borough could get. Mr. Hodulik stated that there are no comments or recommendations in the audit report. Mr. Hodulik briefly discussed accumulated absences and suggested that the policy should be reviewed to ensure it is in compliance with State Statute. Mayor Davy stated that was done when the union contracts were negotiated. Mr. Hodulik reminded Council to stay on top of grant reimbursements to ensure that all funds are collected in a timely manner. Mr. Hodulik stated that there are no findings. Mayor Davy stated that later on the agenda, Council will vote on a resolution to accept the audit.

Mayor Davy stated that a very rough draft for Council By-Laws was provided in the packets. Mayor Davy stated that earlier this year when the Borough engaged Greg Fehrenbech to provide an administrative review it was recommended that the Borough consider by-laws to guide how governing body members interact with committees and departments and that is one of the things that is addressed in this very rough document. Mayor Davy asked that Council Members review the document and provide any comments or recommendations to Betty Sterling. Mayor Davy stated that he, Kit Chandler, Mona Habiby and Betty worked to put this document together and Walter Bliss has reviewed the document. Mayor Davy stated that this is a brand new document for Pennington. Mr. Marciante stated that the document will be helpful for new Council Members coming on but will it be ongoing as Council changes? Mr. Bliss stated that a lot of the language comes from State Statute and it should remain in place until amended. Mr. Bliss stated that 90 percent of the document comes from State Statute and it will serve as a guide for Council. Council Members briefly discussed the document and all felt that this would be a good guide for new Council and current Council Members. Mayor Davy asked that all comments be provided to Betty as soon as possible so that this can be approved at the next meeting.

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**APPROVAL OF MINUTES**

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held August 1, 2022, second by Council Member Gnatt. Ms. Stern asked for a minor change to the minutes. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone who abstained.

**APPROVAL OF CLOSED SESSION MINUTES (for content but not for release)**

Council Member Marciante made a motion to approve the Closed Session Minutes for March 7, 2022, April 4, 2022, May 2, 2022 and May 10, 2022, second by Council Member Chandler with all members present voting in favor.

**ORDINANCES FOR INTRODUCTION**

Mayor Davy read Ordinance 2022-12 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2022-12**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

Section One. Section 3(a) of Bond Ordinance numbered 2022-6 of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), finally adopted May 2, 2022 ("Bond Ordinance #2022-6), is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(a) Acquisition of a vehicle for the Police Department, including all related costs and expenditures necessary therefor and incidental thereto."

Section Two. Section 3(b) of Bond Ordinance #2022-6 of the Borough is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(b) Acquisition of a vehicle for the Department of Public Works, including all related costs and expenditures necessary therefor and incidental thereto."

Section Three. Bond Ordinance #2022-6 of the Borough referenced in Sections One and Two hereof as amended provides for the funding of a \$64,677.09 emergency appropriation for the acquisition of a vehicle for the Department of Public Works authorized by a resolution of the Borough adopted on September 6, 2022 and entitled, "Resolution of the Borough of Pennington, in the County of Mercer, New Jersey Authorizing An Emergency Appropriation Pursuant to N.J.S.A. 40A:4-48 to Fund the Acquisition of a Vehicle for the Department of Public Works and Further Authorizing the Issuance of Emergency Notes to Fund Such Emergency Appropriation."

Section Four. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Five. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to introduce Ordinance 2022-12, second by Council Member Stern. Mrs. Sterling gave a brief explanation of the reason for this Ordinance. Upon a roll call vote all members present voted in favor.

Mayor Davy read Ordinance 2022-13 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2022-13**

**AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF PENNINGTON CONCERNING STOP INTERSECTIONS**

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**WHEREAS**, upon the recommendation of the Chief of Police and the Public Safety Committee of Borough Council, the Borough seeks to amend Section 200-6 of the Borough Code, concerning Stop Intersections, to authorize stop signs at new intersections in the Borough as well as to amend the Code for existing stop intersections to ensure that signs are properly authorized in both directions;

**WHEREAS**, Borough Council determines that the installation of the proposed additional stop intersections will further public safety;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 200, Section 200-6, of the Code of the Borough of Pennington, concerning Stop Intersections, is hereby amended (with new language underlined and deleted language crossed out) as follows:

“Sec. 200-6. Stop Intersections.

The following intersections are designated as stop intersections, and stop signs shall be installed as follows:

Intersection	Stop Sign on\
Abey Drive and East Curlis Avenue	Abey Drive
Abey Drive and Kings Court	Kings Court
Abey Drive and Mallard Drive	Mallard Drive
Abey Drive and Queens Lane	Queens Lane
<u>Academy Avenue and Burd Street</u>	<u>Academy Avenue</u>
<u>Baldwin Court and Baldwin Street</u>	<u>Baldwin Court</u>
Baldwin Street and East Welling Avenue	Baldwin Street
Intersection	Stop Sign on
<u>Broemel Place and Green Street</u>	<u>Broemel Place</u>
Brookside Avenue and Green Avenue	Brookside Avenue
Burd Street and Laning Avenue	Laning Avenue <u>(eastbound)</u>
<u>Burd Street and Laning Avenue</u>	<u>Laning Avenue (westbound)</u>
Burd Street and West Welling Avenue	West Welling Avenue <u>(eastbound)</u>
<u>Burd Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
<u>Crawley Avenue and Academy Avenue</u>	<u>Crawley Avenue</u>
Curlis Avenue and Burd Street	Curlis Avenue
East Delaware Avenue and Eglantine Avenue	Eglantine Avenue
Eglantine Avenue and East Franklin Avenue	East Franklin Avenue (eastbound)
Eglantine Avenue and East Franklin Avenue	Eglantine Avenue (northbound)
Eglantine Avenue and East Franklin Avenue	<del>Eglantine Avenue</del> <u>Lewis Brook</u> (southbound)
Green Avenue and West Franklin Avenue	Green Avenue
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (northbound)</u>
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (southbound)</u>
Ingleside Avenue and Burd Street	Burd Street (southbound)
<u>King George Road and Eglantine Avenue</u>	<u>King George Road</u>

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King George Road and Park Avenue	King George Road
<u>King George Road and Rockwell Green</u>	<u>Rockwell Green</u>
<b>Intersection</b>	<b>Stop Sign on</b>
Knowles Street and Broemel Place	Knowles Street
Knowles Street and West Franklin Avenue	All three corners
Maple Lane and Baldwin Street	Maple Lane
<u>O’Hanlon Avenue and Burd Street</u>	<u>O’Hanlon Avenue</u>
<u>Park Avenue and Eglantine Avenue</u>	<u>Park Avenue</u>
Railroad Place and West Franklin Avenue	Railroad Place
Railroad Place and North Main Street	Railroad Place
<u>Sked Street and Voorhees Avenue</u>	<u>Sked Street</u>
Sked Street and West Welling Avenue	West Welling Avenue ( <u>eastbound</u> )
<u>Sked Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
Voorhees Avenue and Burd Street	Voorhees Avenue
<u>Weidel Drive and Park Avenue</u>	<u>Weidel Drive</u>
<u>West Welling Avenue and Reading Street</u>	<u>Reading Street</u>

**AND BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2022-13, second by Council Member Gnatt. Mrs. Chandler stated that the Police Department undertook a survey of all stop signs because there was one known stop sign that was not part of the Borough Code and therefore could not be enforced. Mrs. Chandler stated that after doing an extensive survey of the stop signs it was found that there were a dozen or more stop signs that were unenforceable. Mrs. Chandler commended the Police Department for their work on this project. Upon a roll call vote all members present voted in favor.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

Mayor Davy read Ordinance 2022-11 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2022-11**

**ORDINANCE CONCERNING ECONOMIC DEVELOPMENT COMMISSION MEMBERSHIP AND  
AMENDING CHAPTER 13 OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Borough Council seeks to amend Article IV, Chapter 13 of the Code of the Borough of Pennington, concerning membership for the Economic Development Commission to add two (2) alternate members;

**NOW, THEREFORFE, BE IT ORDAINED**, by Borough Council of the Borough of Pennington, that Article IV of Chapter 13 of the Code of the Borough of Pennington, is hereby amended (with new language underlined and deleted language crossed out) as follows:

1. Section 13-23. Membership.

The Commission shall consist of an eight-member board, five of which members shall be appointed by the Mayor for a term of five years with one of the five members being appointed each year. Three of the members shall be appointed for one year each. A majority shall be Borough residents or owners of property in the Borough. Two members shall be owners of businesses located in the Borough. The Mayor shall be an ex-officio member of the board.

The Mayor may in consultation with the Commission appoint two alternate members who shall have the right to vote in the place of any member not able to do so. The alternate members

shall be appointed for one year.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that this Ordinance shall be adopted and become effective upon passage and publication as required by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-11, second by Council Member Stern. There were no comments from the public. Council Member Chandler made a motion to close the public hearing on Ordinance 2022-11, second by Council Member Gnatt with all members present voting in favor. Mrs. Chandler explained that this will allow for the appointment of alternate members on the Economic Development Commission. Mrs. Chandler stated that alternate members attend the meetings but only have a vote when a regular member is absent. Mrs. Chandler encouraged all committees to consider the appointment of alternates though some may be bound by State Statute. Council Member Chandler made a motion to adopt Ordinance 2022-11, second by Council Member Marciante with all members present voting in favor.

**Committee Reports**

**Planning & Zoning / Parks & Recreation/ Personnel** – Ms. Gnatt stated that the Personnel Committee met and interviewed candidates for the Borough Administrator position and this will be discussed further in closed session.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler stated that Public Safety, Economic Development and Environmental all took the month of August off.

Mrs. Chandler stated that one of the options for the Landfill site is solar panels and members of the ad-hoc landfill committee did meet with a couple of solar companies to gain information on a very high level.

Mrs. Chandler stated that the Arboretum group did not meet however on the agenda is a resolution for removal of dead or dying trees that have been identified. Mrs. Chandler reported that deer management permissions have been obtained and hunt season will be starting soon. Mrs. Chandler stated that residents need to be reminded that feeding deer in the Borough is illegal and we are aware of a couple of residents who are feeding deer. Mrs. Chandler stated that the residents will be notified that feeding deer is illegal and the Borough will begin enforcing the ordinance. Mrs. Chandler stated that it defeats the purpose of having a deer management plan if people are bringing deer into the Borough by feeding them. Mr. Marciante stated that residents should be aware that feeding deer in the Borough is just bringing deer in to be killed.

**Public Works/Open Space/Shade Tree** – Ms. Stern ask Ms. Gnatt if she knew when the plan for Sked Street would be provided. Mr. Marciante stated that the deadline was September. Ms. Gnatt stated that she will follow up with the Chair of Parks and Recreation.

Ms. Stern stated that Public Works met and they learned that Mercer County will be repairing the bridge over Stony Brook and while this is a County location there could be traffic issues for the Borough. Mr. Smith stated that a meeting is scheduled for September 13<sup>th</sup>.

Ms. Stern stated that we have not heard back from the DOT on the application for road repairs on Baldwin Street and Baldwin Court, but that is not unusual. Ms. Stern stated that design plans are underway for West Franklin and Knowles and the Mayor has made it very clear that there will be at least one more resident meeting prior to putting the plans out for bid. Ms. Stern stated that the committee would like to convene a meeting with Ken Gross, Sandy Webb, Betty Sterling and herself with the I-Bank to discuss funding for future projects.

Mr. Gross stated that as more information comes in on the bridge repair it should be sent out through e-alerts. Mr. Smith stated that this meeting is very preliminary as plans for the project are just beginning and there is no start date at this time.

**Finance & Technology / Board of Health** – Mr. Gross stated that Finance and Technology did not meet. Mr. Gross stated that the Board of Health did meet to discuss the details of Shared Services agreements for Health and Animal Control as they are up for renewal at the end of this year.

**Historic Preservation / Library** – Ms. Angarone had not report.

**Open Space / Shade Tree** – Ms. Stern stated that Open Space did not meet this month, but they will be meeting in September. Ms. Stern stated that Shade Tree met virtually to discuss several forms that were received requesting attention to municipal trees. Ms. Stern stated that the Shade Tree Committee is developing a plan to address these requests going forward.

**Senior Advisory Board** – Mayor Davy had no report but the Senior Picnic has been rescheduled to September 15<sup>th</sup> at noon.



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Page 6**COUNCIL DISCUSSION**

**Noise/Lighting Ordinance – Survey Results** – Mayor Davy stated that he received some resident concerns regarding noise emanating from landscaping equipment particularly gas powered leaf blowers and also lighting that shines into the windows of neighbors' homes. Mayor Davy stated that in response to this, he formed a small group consisting of Mrs. Chandler and Ms. Angarone and they came up with a survey that was put out through the website. Mayor Davy stated that 243 responses were received and Ms. Angarone has summarized the data. Ms. Angarone stated that concern over noise was split between those who were concerned and those who were not. Ms. Angarone stated that no suggestions were provided but the Borough is aware that the noise ordinance needs to be updated. Ms. Angarone stated that a good neighbor ordinance would also be a good way to address concerns.

Ms. Angarone stated that with regard to noise, a good percentage said that they were affected and would be in favor of an ordinance. Ms. Angarone stated that the Borough does have an ordinance that pertains to commercial lights, but not residential. Ms. Angarone stated that again people were in favor of a good neighbor approach and so she did further research to see how other towns are dealing with this issue. Ms. Angarone stated that she has found a couple good neighbor ordinances and she would think that might be a good way to start.

Mrs. Chandler stated that the group discussed updating out current ordinance in terms of the hours when leaf blowers and equipment are allowed. Mrs. Chandler stated that she will work on an update for the current ordinance for the next meeting. Some discussion took place regarding what hours would work best and the fact that the ordinance cannot legally differentiate between residents and businesses.

Mayor Davy stated that Ms. Angarone will be working on a Good Neighbor Ordinance to give residents some guidance on how to communicate with their neighbors first before the Borough gets involved. Some discussion took place regarding replacing gas-powered equipment with electric equipment.

**Update on Communications Plan – (Nadine Stern / Kati Angarone)** – Ms. Stern stated that she and Ms. Angarone continue to work on a Communication Plan and the next step is going to be a survey to residents to ask residents what is and what isn't working right in terms of communication and how residents can provide input to Council. Ms. Stern stated that next there will be two meetings one with residents and one with department heads, Betty, Rick and Doug, to ask them how to communicate information effectively. Mrs. Chandler asked how the survey would be distributed. Ms. Angarone stated that it would be promoted on the website and sent out as a news and announcement alerts. Mrs. Chandler stated that until everyone is registered on the e-alerts it will be the same 700 or so people who are responding. Ms. Stern stated that the newsletter and a notice in the water bills should cover everyone but also a notice in the newspaper. Ms. Stern stated that a couple of things that they would like input from Council are would anyone be interested in putting Council Member pictures on the website so that people know who we are. Ms. Stern stated that they would like to have a table at Pennington Day that would be manned by Council Members for an hour at a time or wearing a name tag out in the public and have a presence at Pennington Day.

**Sign Removal Request** – Ms. Chandler stated that Mr. Marciante brought up the question of the number of signs related to speed humps on King George Road. Ms. Chandler stated that only one sign is required but there are two on each side on King George Road. Chief Pinelli stated that he looked into this and one sign is required and to be consistent with other areas of town with speed humps, one of the signs could be removed on each side. Mayor Davy called for a voice vote to remove two of the signs, all members present were in favor.

**Fire Department – Water Usage Report Form** – Mayor Davy asked Rick Smith to comment on this. Mr. Smith stated that it is very important for the Borough to track water usage especially when it is not metered. Mr. Smith stated that sometimes the Fire Department uses a hydrant to access water and in addition to tracking water usage this would give Public Works a heads up so that they can go out and check to make sure the hydrant valves have been opened and closed properly. Mr. Smith stated that it doesn't take much to cause a problem when opening and closing a valve. Some discussion took place regarding what the water is being used for and how much unpaid water is being used by the Fire Department for things other than fires. Mayor Davy stated that there was a rumor that the Fire Department was using the water outside the Borough for party events but that is not the case. Ms. Stern pointed out that the website for the Fire Department does advertise for pool fills. Some discussion took place about where the water comes from for pool fills and Mr. Marciante stated that the Fire Department gets that water from Trenton Water Company. Mr. Smith stated that this form is very specific to each hydrant and we should have a better handle on who much water is used.

Mrs. Sterling stated that late in the day on Friday a request came in from a resident who would like to use Kunkel Park after dusk. Mrs. Sterling stated that the Ordinance does not allow use of the park after dusk without a special permit but she is not aware any special permit form that has ever been used. Mrs. Sterling stated that Public Works has mentioned that there have been some issues after dark recently. Mr. Smith stated that lack of lighting and noise might be a concern. Mrs. Sterling stated that the form specifically has the limitation on use of the park after dusk. Council Members agreed not to grant an exception to the Ordinance.

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**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to Karen Hollywood, 14 Academy Court, Pennington, NJ 08534 for an overpayment of 3<sup>rd</sup> Quarter taxes for Block 503.01, Lot 2, 14 Academy Court in the amount of \$1,782.50.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	S			
Chandler	X				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.1, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.2**

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,675,231.20 from the following accounts:

Current	\$ 2,508,600.98
W/S Operating	\$ 76,022.97
General Capital	\$ 80,893.72
Grant Fund	\$ 534.93
COAH Trust Fund	\$ 102.50
Animal Control Fund	\$ 3.60
Other Trust Fund	\$ 8,000.00
Developer’s Escrow	\$ 1,072.50
TOTAL	\$ 2,675,231.20

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	S			
Chandler	X				Marciante	X			
Gnatt	M				Stern	X			

Council Member Gnatt made a motion to approve Resolution 2022-9.2, second by Council Member Gross. Mr. Marciante had questions on specific purchase orders related to improvements to Kunkel Park. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-9.3**

**RESOLUTION OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND THE ACQUISITION OF A VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION**

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**WHEREAS**, one or more emergencies have arisen requiring the appropriation of funds from the municipal budget of the Borough of Pennington, in the County of Mercer, New Jersey (the “Borough”), in the amount of \$64,677.09 to provide for the acquisition of a vehicle for the Department of Public Works; and

**WHEREAS**, the total amount of emergency appropriations created, including the appropriations to be created by this resolution, is 64,677.09 and 3% of the total current and utility operating appropriations in the budget for CY 2022 is \$114,790.00; and

**WHEREAS**, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total current and utility operating appropriations in the budget for CY 2022.

**NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:**

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$64,677.09 for the acquisition of a vehicle for the Department of Public Works. The \$64,677.09 appropriated herein is sufficient to fund the emergency described herein.
2. An emergency note not in excess of \$64,677.09 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
3. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
4. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by such Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2023.
5. Said emergency appropriation shall be provided in the amount of \$64,677.09 pursuant to a bond ordinance entitled, “BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY APPROPRIATION” to be introduced and finally adopted thereafter.
6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
7. This resolution shall take effect immediately.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	S				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.4**

**RESOLUTION AUTHORIZING PURCHASE OF 2023 FORD F-150 (W1E) XLT 4WD  
SUPERCREW 6.5’ BOX 157 TRUCK FOR THE PUBLIC WORKS DEPARTMENT IN  
ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP THROUGH  
SOURCEWELL (CONTRACT 091521-NAF)**

**WHEREAS**, the Superintendent of the Pennington Public Works Department has identified the need to purchase a 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5’ Box WB and related equipment; and

**WHEREAS**, the Superintendent of Public Works has determined that the required equipment is available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 20867 R5 dated August 21, 2022, by which it would sell to the Borough one (1) 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5' Box 157 WB and related equipment, in accordance with written specifications (“Truck”) for the price of \$64,677.09;

**WHEREAS**, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase at the revised price under General Capital Ordinance 2022-6 as amended by Ordinance 2022-12;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5' Box 157 WB with related equipment for the Pennington Borough Public Works Department pursuant to the attached proposal from National Auto Fleet Group (Quote #20867 R5 and related specifications) is hereby authorized; and (b) the Borough Clerk and Chief Financial Officer are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	S			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.4, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 9.5**

**RESOLUTION AUTHORIZING PURCHASE OF NEW 2023 FORD POLICE INTERCEPTOR UTILITY PATROL VEHICLE FOR THE POLICE DEPARTMENT IN ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP. THROUGH SOURCEWELL**

**WHEREAS**, the Pennington Chief of Police has identified the need to purchase a new 2023 Ford Police Interceptor Utility patrol vehicle and related equipment; and

**WHEREAS**, the Chief has determined that the required vehicle and equipment are available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 21140 R8 dated August 26, 2022, Re-Configured August 31, 2022, by which it would sell to the Borough One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, P28/Elite Solutions #C07623 + Handling \$1600.00 (Oxford White) delivered to the Borough’s specified location in accordance with related written specifications (“Patrol Vehicle) for the price of \$67,693.93;

**WHEREAS**, the Patrol Vehicle is available to purchase through Sourcewell Contract 091521-NAF in compliance with the Local Public Contracts Law without further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in Budget Line 2-01-25-240-000-277;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington (a) that the purchase of One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, P28/Elite Solutions #C07623 + Handling \$1,600.00 (Oxford White) delivered to the Borough’s specified location in accordance with related written specifications (“Patrol Vehicle) for the price of \$67,693.932020 for the Pennington Borough Police Department pursuant to the

attached proposal from National Auto Fleet Group (Quote #21140 R8 and related specifications) pursuant to Sourcewell Contract 091521-NAF is hereby authorized; and (b) the Mayor and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 -9.6**

**RESOLUTION AUTHORIZING PURCHASE OF NEW 2023 FORD POLICE INTERCEPTOR UTILITY SUPERVISOR VEHICLE FOR THE POLICE DEPARTMENT IN ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP THROUGH SOURCEWELL**

**WHEREAS**, the Pennington Chief of Police has identified the need to purchase a new 2023 Ford Police Interceptor Utility supervisor vehicle and related equipment; and

**WHEREAS**, the Chief has determined that the required vehicle and equipment are available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 21284 R4 dated August 26, 2022, Re-Configured August 31, 2022, by which it would sell to the Borough One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, Elite Vehicle Solutions Est #C07622 + Handling \$1700.00 (Agate Black) delivered to the Borough’s specified location in accordance with related written specifications (“Supervisor Vehicle”) for the price of \$68,365.06;

**WHEREAS**, the Patrol Vehicle is available to purchase through Sourcewell Contract 091521-NAF in compliance with the Local Public Contracts Law without further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase under Capital Ordinance 2022-6;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington (a) that the purchase of One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, Elite Vehicle Solutions Est #C07622 + Handling \$1700.00 (Agate Black) delivered to the Borough’s specified location in accordance with related written specifications (“Supervisor Vehicle”) for the price of \$68,365.06 for the Pennington Borough Police Department pursuant to the attached proposal from National Auto Fleet Group (Quote #21284 R4 and related specifications), under Sourcewell Contract 091521-NAF is hereby authorized; and (b) the Mayor and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	X				Stern	S			

Council Member Chandler made a motion to approve Resolution 2022-9.6, second by Council Member Stern with all members present voting in favor.

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**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.7**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE  
MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Borough of Pennington is a member of the Mid Jersey Municipal Joint Insurance Fund; and

**WHEREAS**, said membership terminates as of January 1, 2023\*, unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW THEREFORE, BE IT RESOLVED**, as follows:

1. The Borough of Pennington agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2023, and ending January 1, 2026\*, and to be subject to the bylaws, rules and regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and the Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Borough’s intention to renew its membership.

\*12.01 a.m.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2022-9.8**

**RESOLUTION AUTHORIZING EXTENSION OF UNPAID LEAVE OF ABSENCE FOR  
CHRISTOPHER WEBB**

**WHEREAS**, Resolution 2022-6.3 authorized an unpaid leave of absence for Public Works Laborer Christopher Webb of three months effective May, 28, 2022; and

**WHEREAS**, the initial three month leave ended August 31, 2022; and

**WHEREAS**, Christopher Webb has requested an extension of the unpaid leave of absence for an additional three months in conformance with the Borough’s Leave of Absence Policy (4.10);

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Mr. Webb’s request for an extension of the unpaid leave be granted, effective September 1, 2022 and ending November 30, 2022.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	S				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.9**

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**BOROUGH OF PENNINGTON ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Pennington has previously obtained a grant of \$1,000,000.00 from the State to fund the following project(s):

Project #1108-02-001/Pennington Borough Greenbelt Planning Incentive

**WHEREAS**, the State and Borough of Pennington intend to increase Green Acres funding by \$375,000.00; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that:

1. The Mayor of the Borough of Pennington is hereby authorized to execute an agreement and any amendment thereto with the State known as Pennington Borough Greenbelt Acquisitions, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of **\$1,375,000.00**.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				ABSTAIN	Gross	S			
Chandler	M				Marciante	X			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.9, second by Council Member Gross. Mayor Davy briefly explained that this resolution is required by Green Acres to obligate new funds that are available to the Borough for reimbursement of open space projects. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.10**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2021 ANNUAL  
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the

governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X			abstain	Gross	S			
Chandler	M				Marciante	X			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.10, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.11**

**RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION AS PER N.J.S. 40A:4-48 (Under 3% Limitation)**

**WHEREAS**, one or more emergencies have arisen requiring the appropriation of funds from the municipal budget of the Borough of Pennington, in the County of Mercer, New Jersey (“the Borough”), in the amount of \$20,000 to provide for the purchase of unleaded and diesel fuel due to the increased cost of such items, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$20,000.00 and three (3) percent of the total operating appropriations in the CY budget for 2022 is \$114,790.00; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed the three (3) percent of the total operating appropriations (including utility operation appropriations) in the CY budget for 2022,

**NOW, THEREFORE, BE IT RESOLVED**, (by not less than 2/3 of all Governing Body members affirmatively concurring) of the Borough of Pennington, County of Mercer that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is hereby made for unleaded and diesel fuel purchases in the amount of \$20,000.00;
2. That said emergency appropriation shall be provided for in full in the 2022 budget, and is requested to be excluded from CAPS, pursuant to N.J.S. 40A:4-53.3c(1);



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3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	S			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.11, second by Council Member Marciante. Mrs. Sterling explained that the fuel budget for 2022 has been exhausted due to the increased cost of fuel and since we cannot do transfers until November we are requesting an emergency appropriation that will need to be funding in the 2023 budget. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.12**

**RESOLUTION AUTHORIZING BLOCK PARTY ON SEPTEMBER 11, 2022 FROM 3 PM TO 5 PM  
ON READING AVENUE**

**WHEREAS**, Amber Miller has applied to the Borough of Pennington for permission to close the street known as Reading Avenue in the Borough on September 11, 2022 beginning at 3 PM and ending at 5 PM for a block party in the cul-de-sac at the northerly end of Reading Avenue for an estimated 25 people;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that this application by Amber Miller is approved subject to the following conditions:

1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
3. There must be access for emergency vehicles at all times.
4. All local noise ordinances must be observed.
5. The hosts shall ensure compliance with all state and local regulations related to the Covid-19 Pandemic.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.12, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.13**

**RESOLUTION AUTHORIZING TAKE DOWN OF DEAD AND/OR LEANING TREES AND  
LIMBS LOCATED WITHIN THE ARBORETUM AND  
AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE**

**WHEREAS**, the Borough of Pennington acquired a parcel of land behind the Tollgate Elementary School as Open Space; and

**WHEREAS**, the Borough plan for this parcel is to develop an Arboretum; and

**WHEREAS**, an Arboretum Committee was formed and they have identified the need to take down dead/leaning trees and limbs within the property; and

**WHEREAS**, the Superintendent of Public Works solicited three (3) quotes for performance of services related to the takedown of dead trees and limbs; and

**WHEREAS**, the Superintendent of Public Works has recommended that the services be awarded to HTS Tree Care Professionals, LLC 1559 Reed Road, Pennington, NJ 08534 as per their quote #5286 dated August 16, 2022 in the amount of \$4,200.; and

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**WHEREAS**, a copy of quote #5286 from HTS Tree Care Professionals, LLC in the amount of \$4,200.00, is attached to this Resolution; and

**WHEREAS**, Pennington citizens have authorized the creation of an Open Space Trust Fund in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for, among other things, development and maintenance of lands acquired for recreation and conservation purposes, as determined by the governing body of the municipality;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Open Space Fund for this purchase;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid takedown of dead trees and limbs within the Arboretum located behind Toll Gate School pursuant to the attached quote #5286 from HTS Tree Care Professionals, LLC in the amount of \$4,200. is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the work.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.13, second by Council Member Chandler. Mr. Gross asked why the trees were not being removed. Mrs. Chandler stated that this is the environmentally friendly way as ash trees deteriorate very quickly. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-9.14**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.22 FOR  
HOPEWELL VALLEY CHORUS INC**

**WHEREAS**, Hopewell Valley Chorus, Inc. submitted raffle application RA: 2.22 on August 25, 2022 for a raffle to take place on December 11, 2022 and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on September 1, 2022; and

**WHEREAS**, Hopewell Valley Chorus, Inc. meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, Hopewell Valley Chorus, Inc. in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 2.22 for Hopewell Valley Chorus, Inc. be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.22 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Gross	X			
Chandler	X				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-9.14, second by Council Member Angarone with all members present voting in favor.

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**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 9.15**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO TOP LINE CONSTRUCTION  
CORP. FOR WORK COMPLETED ON THE EAST WELLING AVENUE ROAD  
REHABILITATION PROJECT  
(VNHA #44348-210-71)**

**WHEREAS**, Top Line Construction Corp. has completed work pursuant to the contract for the East Welling Avenue Road Rehabilitation Project (VNHA File #:44348-210-71); and

**WHEREAS**, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.3 in the amount of \$11,852.41 less 2% retainage in the amount of \$237.04; and

**WHEREAS**, this is a partial payment under the contract; and

**WHEREAS**, funds are available through a grant from the NJDOT under Ordinance 2021-4 in the General Capital Fund;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$11,615.37 pursuant to payment request No.3 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	S			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-9.15, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2022 – 9.16**

**RESOLUTION TO ADD NEW POLICY CONCERNING FAMILY LEAVE TO BOROUGH  
POLICY AND PROCEDURES MANUAL**

**WHEREAS**, the Municipal Excess Liability Joint Insurance Fund (“JIF”) from time to time directs it member municipalities to amend their personnel manuals to incorporate policies recommended by the JIF’s Personnel Policy Committee based on recognized best practices, changes in applicable laws, and policies recommended by the members of the Fund;

**WHEREAS**, JIF has directed that the Borough include in its Policy and Procedures Manual a policy providing additional information concerning New Jersey Family Leave, available to Borough employees under State law;

**WHEREAS**, the proposed policy, to be added to the Manual as Policy 4.11A, supplements Policy 4.11 describing leave under the Federal Family and Medical Leave Act (“FMLA”), the New Jersey Family Leave Act (“NJFLA”) and Family Leave Insurance provided through the State (“FLI”);

**WHEREAS**, a copy of the new Policy 4.11A is attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Borough of Pennington Personnel Policies and Procedures Manual is hereby amended to incorporate the attached Policy 4.11A.

**BE IT FURTHER RESOLVED**, that this new Policy shall be effective immediately.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	X				Stern	S			

Council Member Chandler made a motion to approve Resolution 2022-9.16, second by Council Member Marciante with all members present voting in favor.

DRAFT

Regular Meeting  
September 6, 2022  
Page 17

### **Public Comment**

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you. Please state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

Ms. Naomi McCarty, President of the Pennington First Aid Squad stated that she would like to let Borough Council know the status of Emergency Services not only in Pennington Borough but in Hopewell Borough, Titusville and Hopewell Township. Ms. McCarty stated that everyone is experiencing staffing issues and the Fire Commissioners of Hopewell Township have decided to look into farming out services in the valley to a private organization and that private organization would take first call. Ms. McCarty stated that would greatly affect Pennington First Aid Squad because the need for volunteers would go down and they would likely lose many of their volunteers because they would not be needed on a regular basis. Ms. McCarty stated that they have proposed to the Fire Commissioners that they could hire their own staff to fill in some of the gaps and to help free up some of their staff that has been used to supplement these services and that would also free up their staff to do fire inspections. Ms. McCarty stated that the Borough needs to be aware that this could lead to residents being billed for ambulance services. Ms. McCarty stated that this process could take one to two years, but she wanted to bring this to the attention of Council. Ms. McCarty stated that the COVID pandemic really did a number on volunteer squads and they are working very hard to solicit volunteers from local colleges and high schools. Ms. McCarty asked Council to spread the word that the First Aid Squad is seeking volunteers. Ms. McCarty stated that the community has been very supportive of the First Aid Squad and they know the Borough residents who need assistance and they would really like to remain a volunteer squad.

### **PROFESSIONAL REPORTS**

**Borough Attorney** – Mr. Bliss had nothing further to report.

**Chief Doug Pinelli** – Chief Pinelli had nothing further to report.

**Superintendent of Public Works** – Mr. Smith stated that his monthly report will be available soon.

**Borough Clerk** – Mrs. Sterling had nothing further to report.

Mr. Marciante stated that he had two items that he would like to discuss. Mr. Marciante stated that the walkway at the Stonybrook Bridge is very overgrown and either we have to clean it up or the new owners of BMS need to be notified that they need to address it. Mr. Marciante asked if the Cannabis license has been issued because there are renovations underway in the proposed store. Mr. Bliss stated that a demolition permit was approved with the understanding that the approval does not constitute a site plan approval which they need in order to get a license.

### **Closed Session**

**AT, 9:04 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Personnel – Borough Administrator search

AT, 9:30 PM, Mayor and Council with no further business to come before Council, Council Member Chandler a motion to adjourn the meeting, second by Council Member Stern.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk

**BOROUGH OF PENNINGTON  
ORDINANCE 2022-12**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE  
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,  
FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF  
THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY  
APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds  
of all members thereof affirmatively concurring), AS FOLLOWS:**

Section One. Section 3(a) of Bond Ordinance numbered 2022-6 of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), finally adopted May 2, 2022 ("Bond Ordinance #2022-6), is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(a) Acquisition of a vehicle for the Police Department, including all related costs and expenditures necessary therefor and incidental thereto."

Section Two. Section 3(b) of Bond Ordinance #2022-6 of the Borough is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(b) Acquisition of a vehicle for the Department of Public Works, including all related costs and expenditures necessary therefor and incidental thereto."

Section Three. Bond Ordinance #2022-6 of the Borough referenced in Sections One and Two hereof as amended provides for the funding of a \$64,677.09 emergency appropriation for the acquisition of a vehicle for the Department of Public Works authorized by a resolution of the Borough adopted on September 6, 2022 and entitled, "Resolution of the Borough of Pennington, in the County of Mercer, New Jersey Authorizing An Emergency Appropriation Pursuant to N.J.S.A. 40A:4-48 to Fund the Acquisition of a Vehicle for the Department of Public Works and Further Authorizing the Issuance of Emergency Notes to Fund Such Emergency Appropriation."

Section Four. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Five. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced	_____
Advertised	_____
Public Hearing	_____
Adopted	_____
Published	_____

ATTEST:

APPROVED:

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

\_\_\_\_\_  
James Davy, Mayor

**BOROUGH OF PENNINGTON  
ORDINANCE 2022-12**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE  
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,  
FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF  
THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY  
APPROPRIATION**

**RECORD OF COUNCIL VOTE ON INTRODUCTION**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

**RECORD OF COUNCIL VOTE ON ADOPTION**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

BOROUGH OF PENNINGTON  
ORDINANCE 2022-13

AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF  
THE BOROUGH OF PENNINGTON CONCERNING STOP INTERSECTIONS

**WHEREAS**, upon the recommendation of the Chief of Police and the Public Safety Committee of Borough Council, the Borough seeks to amend Section 200-6 of the Borough Code, concerning Stop Intersections, to authorize stop signs at new intersections in the Borough as well as to amend the Code for existing stop intersections to ensure that signs are properly authorized in both directions;

**WHEREAS**, Borough Council determines that the installation of the proposed additional stop intersections will further public safety;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 200, Section 200-6, of the Code of the Borough of Pennington, concerning Stop Intersections, is hereby amended (with new language underlined and deleted language crossed out) as follows:

“Sec. 200-6. Stop Intersections.

The following intersections are designated as stop intersections, and stop signs shall be installed as follows:

Intersection	Stop Sign on\
Abey Drive and East Curlis Avenue	Abey Drive
Abey Drive and Kings Court	Kings Court
Abey Drive and Mallard Drive	Mallard Drive
Abey Drive and Queens Lane	Queens Lane
<u>Academy Avenue and Burd Street</u>	<u>Academy Avenue</u>
<u>Baldwin Court and Baldwin Street</u>	<u>Baldwin Court</u>
Baldwin Street and East Welling Avenue	Baldwin Street
Intersection	Stop Sign on
<u>Broemel Place and Green Street</u>	<u>Broemel Place</u>
Brookside Avenue and Green Avenue	Brookside Avenue
Burd Street and Laning Avenue	Laning Avenue <u>(eastbound)</u>
<u>Burd Street and Laning Avenue</u>	<u>Laning Avenue (westbound)</u>
Burd Street and West Welling Avenue	West Welling Avenue <u>(eastbound)</u>
<u>Burd Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
<u>Crawley Avenue and Academy Avenue</u>	<u>Crawley Avenue</u>
Curlis Avenue and Burd Street	Curlis Avenue
East Delaware Avenue and Eglantine Avenue	Eglantine Avenue
Eglantine Avenue and East Franklin Avenue	East Franklin Avenue (eastbound)
Eglantine Avenue and East Franklin Avenue	Eglantine Avenue (northbound)
Eglantine Avenue and East Franklin Avenue	<del>Eglantine Avenue</del> <u>Lewis Brook</u> (southbound)
Green Avenue and West Franklin Avenue	Green Avenue
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (northbound)</u>
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (southbound)</u>
Ingleside Avenue and Burd Street	Burd Street (southbound)

<u>King George Road and Eglantine Avenue</u>	<u>King George Road</u>
King George Road and Park Avenue	King George Road
<u>King George Road and Rockwell Green</u>	<u>Rockwell Green</u>
<b>Intersection</b>	<b>Stop Sign on</b>
Knowles Street and Broemel Place	Knowles Street
Knowles Street and West Franklin Avenue	All three corners
Maple Lane and Baldwin Street	Maple Lane
<u>O’Hanlon Avenue and Burd Street</u>	<u>O’Hanlon Avenue</u>
<u>Park Avenue and Eglantine Avenue</u>	<u>Park Avenue</u>
Railroad Place and West Franklin Avenue	Railroad Place
Railroad Place and North Main Street	Railroad Place
<u>Sked Street and Voorhees Avenue</u>	<u>Sked Street</u>
Sked Street and West Welling Avenue	West Welling Avenue ( <u>eastbound</u> )
<u>Sked Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
Voorhees Avenue and Burd Street	Voorhees Avenue
<u>Weidel Drive and Park Avenue</u>	<u>Weidel Drive</u>
<u>West Welling Avenue and Reading Street</u>	<u>Reading Street</u>

**AND BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon final passage and publication as provided by law.

Introduced	<u>September 6, 2022</u>
Advertised	<u>September 15, 2022</u>
Public Hearing	_____
Adopted	_____
Published	_____

ATTEST:	APPROVED:
 _____	 _____
Elizabeth Sterling, Borough Clerk	James Davy, Mayor



BOROUGH OF PENNINGTON  
ORDINANCE 2022-13

AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF  
THE BOROUGH OF PENNINGTON CONCERNING STOP INTERSECTIONS

RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	S				Stern	X			

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 10.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Developer's Escrow Account to The Pennington School, 112 West Delaware Avenue, Pennington, NJ 08534 for the remaining balance in escrow account 90-056 in the amount of \$21.91.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Weathervane Abstract & Settlement Services, LLC, 110 Main Street, Flemington, NJ 08822 for an overpayment of 3<sup>rd</sup> Quarter Taxes for Block 702, Lot 16, 202 Burd Street, in the amount of \$2,869.83.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

## BOROUGH OF PENNINGTON RESOLUTION 2022 – 10.2

### AUTHORIZING PAYMENT OF BILLS

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,950,925.92 from the following accounts:

Current	\$ 1,780,302.15
W/S Operating	\$ 74,770.25
General Capital	\$ 11,615.37
Grant Fund	\$ 56,838.20
Animal Control Fund	\$ 3.60
Other Trust Fund	\$ 8,450.00
W/S Capital	\$ 18,946.35
<b>TOTAL</b>	<b>\$ 1,950,925.92</b>

#### Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 10.3**

**RESOLUTION AUTHORIZING REPAIRS TO 2005 GARBAGE TRUCK RESULTING FROM  
PREVENTATIVE MAINTENANCE INSPECTION UNDER STATE CONTRACT T-2108-A89268**

**WHEREAS**, the Superintendent of Public Works has determined that repairs discovered during a preventative maintenance inspection of the 2025 Peterbilt 379 garbage truck are necessary; and

**WHEREAS**, the Superintendent has determined that the repairs can be made under T-2108-A89268 through BCI Truck, Inc. located at 356 Highway 31, Flemington, NJ 08822; and

**WHEREAS**, BCI Truck, Inc. has provided Invoice 88528 dated August 19, 2022 in the amount of \$7,741.79 for the repairs; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the trash budget line #: 2-01-26-305-000-277; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid repairs through BCI Truck, Inc. under State Contract T-2108-A89268 are hereby authorized in an amount not to exceed \$7,741.79 as per invoice 88528 dated August 19, 2022.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 10.4**

**RESOLUTION AUTHORIZING PURCHASE OF ENCLOSED TRAILER FROM FDR HITCHES  
UNDER STATE CONTRACT 19-FLEET-00879  
AND RESCINDING RESOLUTION 5.24**

**WHEREAS**, the Superintendent of Public Works has submitted a request to purchase a 20' Journey SE Cargo Trailer C/S Door, rear ramp door side vent enclosed trailer; and

**WHEREAS**, the Finance Committee of the Borough of Pennington approved this purchase as part of the Capital Plan for 2022; and

**WHEREAS**, the Superintendent has determined that the trailer is available under State Contract 19-Fleet-00879 from FDR Hitches, located at 120 W. Westfield Ave., Roselle Park, NJ 07204; and

**WHEREAS**, FDR Hitches has provided the Borough with price quotation #15384 dated September 20, 2022 in the amount of \$10,912.60; and

**WHEREAS**, FDR Hitches also provided price quotation #15385 dated September 20, 2022 in the amount of \$1,595.00 for a landscape package not included under State Contract including 2 adjustable shelves, equipment hooks, e-track and 16" plywood kick plates for sides and front; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the General Capital Fund under Ordinance 2022-6 and streets budget line #: 2-01-26-290-000-225; and

**WHEREAS**, Resolution 2022-5.24 approved by Borough Council on May 10, 2022, authorizing the purchase of an enclosed trailer from Stephan L. Green Trailers is no long needed and should therefore be rescinded;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of a 20' Journey SE Cargo Trailer C/S Door, rear ramp door side vent enclosed trailer under State Contract 19-Fleet-00879 is hereby authorized in an amount not to exceed \$10,912.60 as per quote dated September 20, 2022 from FDR Hitches.

**BE IT FURTHER RESOLVED**, that landscape package quote #15385 dated September 20, 2022 is hereby approved; and

**BE IT FURTHER RESOLVED**, that Resolution 2022-5.24 is hereby rescinded.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 10.5**

**RESOLUTION AUTHORIZING PURCHASE OF TREATED ROCK SALT FROM MORTON  
SALT, INC. UNDER MERCER COUNTY COOPERATIVE PURCHASING SYSTEM**

**WHEREAS**, the Superintendent of Public Works has identified the need to purchase treated rock salt for the upcoming winter season; and

**WHEREAS**, the Superintendent has determined that treated rock salt is available through Morton Salt, Inc. under the Mercer County Cooperative Contract Purchasing System, contract #CK09MERCER2021-19; and

**WHEREAS**, Pennington Borough became a member of the Mercer County Cooperative Purchasing System effective May 25, 2007; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the streets budget line #: 2-01-26-290-000-271; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of treated rock salt from Morton Salt, Inc. under the Mercer County Cooperative Purchasing System, contract #: CK09MERCER2021-19 is hereby authorized in an amount not to exceed \$7,500.00.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

## BOROUGH OF PENNINGTON RESOLUTION 2022 – 10.6

### RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR IMPROVEMENTS TO WEST FRANKLIN AVENUE AND KNOWLES STREET – FY2021

**WHEREAS**, the Borough of Pennington seeks to make improvements to West Franklin Avenue and Knowles Street under a NJDOT - FY 2021 Municipal Aid Grant; and

**WHEREAS**, the funds for the proposed project are being provided by the New Jersey Department of Transportation and the Borough of Pennington without special assessment of property owners;

**WHEREAS**, the Borough now seeks to advertise for bids for these projects as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, as follows:

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for improvements to West Franklin Avenue and Knowles Street in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

#### Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by Pennington Borough Council at a meeting on October 3, 2022.

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-10.7**

**RESOLUTION AUTHORIZING EXPENDITURES FROM  
OPEN SPACE FUND TO INSTALL A 30' X 30' BASKETBALL PAD AND  
BASKETBALL HOOP AT KUNKEL PARK**

**WHEREAS**, on the recommendation of the Parks and Recreation Committee in collaboration with Borough Council's Public Works Committee, Borough Council seeks to make improvements to Kunkel Park to enhance its enjoyment by Borough residents as active open space; and

**WHEREAS**, as part of the improvements the Committees recommended that the basketball pad and basketball hoop be replaced; and

**WHEREAS**, three quotes were requested for these services from Wagner Land Expansion, Inc., GreenLeaf Lawn and Landscape and Lou Beck and two quotes were received; and

**WHEREAS**, the Superintendent of Public Works has reviewed the quotes and recommends that the Borough issue a Purchase Order to Wagner's Land Expansion, Inc. in the amount of \$15,660.00 to install a 30' x 30' basketball pad (6" thick) and a basketball hoop that will be provided by the Borough at Kunkel Park; and

**WHEREAS**, Pennington's Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Open Space Trust Fund for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to issue a purchase order in an amount not to exceed \$15,660.00 to Wagner's Land Expansion; and

**BE IT FURTHER RESOLVED** that once the Purchase Order is issued the Superintendent of Public Works is authorized to take additional steps as necessary to facilitate the installation of the basketball pad and hoop at Kunkel Park.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Anagarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by Pennington Borough Council at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk



**BOROUGH OF PENNINGTON  
RESOLUTION 2022-10.8**

**RESOLUTION AUTHORIZING EXTENSION OF PAID INTERNSHIP  
FOR MONA HABIBY IN THE BOROUGH BUSINESS OFFICE**

**WHEREAS**, by Resolution 2022-2.12, Borough Council appointed Mona Habiby to serve in a project-based internship paying \$30 per hour for 15 hours per week with an expected duration through May 2022;

**WHEREAS**, by Resolution 2022-5.9, Borough Council extended Ms. Habiby's internship through September 2022; and

**WHEREAS**, Ms. Habiby continues to make the expected contribution to the workings of the Business Office and there is need to further extend this paid internship through December 2022; and

**WHEREAS**, the hours for this internship are between 15 and 20 hours per week as needed;

**WHEREAS**, the Personnel Committee has approved this extension of Ms. Habiby's internship;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in 2-01-20-100-000-101;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the paid internship of Mona Habiby is hereby extended through December 2022 at the hours and compensation described above.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-10.9**

**RESOLUTION ADOPTING “PENNINGTON BOROUGH  
COUNCIL HANDBOOK AND BYLAWS”**

**WHEREAS**, the “Pennington Borough Council Handbook and Bylaws” is intended to serve as a guide and resource for Borough Council Members and other members of the Borough governing body and administration, defining the powers and duties of local officials and explaining key features of statutes having particular importance in the conduct of Borough affairs;

**WHEREAS**, the text of the Handbook and Bylaws draws variously from the language of State statutes and Borough personnel policies, with citations, to facilitate use of the document as a reference to address questions as they arise;

**WHEREAS**, the Handbook and Bylaws also includes Bylaws reflecting local rules for conduct of Council business, within the powers of the Council to prescribe;

**WHEREAS**, the proposed “Council Bylaws,” which reflect current practice, are contained in Part IV of the document and are intended to be effective immediately, subject to such amendments from time to time as Council may deem appropriate;

**WHEREAS**, a copy of the proposed Handbook and Bylaws is attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the attached “Pennington Borough Council Handbook and Bylaws” is hereby adopted as a guide and reference as aforesaid; and

**BE IT FURTHER RESOLVED**, that Part IV of the document, “Council Bylaws,” is hereby specifically approved and made operative, effective immediately.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on October 3, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

# Pennington Borough Council Handbook and Bylaws

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Adopted October 3, 2022

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## I. Purpose

This document is intended as a guide and resource for Borough Council Members and other members of the Borough governing body and administration.

The text draws heavily from the language of State statutes. This is important to note because a municipality is a subdivision of the State and derives its powers and responsibilities from the State Legislature.

The information provided defines the powers and duties of local officials in their defined roles, explains key features of statutes having particular importance in the conduct of Borough affairs, and includes a “bylaws” section reflecting local rules within the powers of the municipality to prescribe.

References to New Jersey statutes are provided to permit consultation when further information is required to answer particular questions.

## II. Powers and duties

### A. Mayor

1. Term. The Mayor is elected for a four-year term.
2. Head of Government. The Mayor shall be the head of the municipal government and shall have all powers designated by general law. The Mayor shall see to it that the laws of the State and the ordinances of the Borough are faithfully executed, shall recommend to the Council such measures as determined by the Mayor to be necessary or expedient for the welfare of the Borough, and shall maintain peace and good order in accordance with law.
3. Approves Ordinances. In compliance with statutory procedures, the Mayor may either approve an ordinance by signing it and returning it to the Clerk or veto the ordinance by returning it to the Clerk with a statement describing objections. A veto is subject to override by a vote of two-thirds of all the members of Council. No ordinance or any item or part thereof shall take effect without the Mayor’s approval unless the Mayor fails to return the ordinance as required or Council overrides a veto. If an ordinance contains more than one distinct section, clause or item, the Mayor may approve one or more of them and veto the rest.
4. Presides at Council Meetings. The Mayor is the Presiding officer over all deliberations and shall conduct all regular and special meetings of Council. The Mayor shall vote only in the case of a tie. (See Section IV - Council Bylaws)

5. Nominates and Appoints. The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. To the extent practicable, nominations should be made within thirty (30) days of the office becoming vacant. The Mayor shall have authority to appoint, without advice and consent, ad-hoc committees and other municipal bodies as prescribed by ordinance.
6. Requires a Stand-in When Absent. If the Mayor is absent from the Borough for three days or more or unable to perform the duties of the office, the Council President shall perform all the duties of the Mayor during the absence. Where such absence is intended, the President of Council shall become the Acting Mayor until the Mayor's return. If the Council President is unable to perform the duties of the Acting Mayor, then the Council Member with the longest consecutive tenure on the council body may act temporarily for the President of the Council.

**Relevant Legal Authority:** N.J.S.A. 40A:60-5; N.J.S.A. 40A:60-3; N.J.S.A. 10:4-6, et seq..

## B. Council

1. Term. Council Members are elected for a 3-year term.
2. General Powers. Borough Council is the legislative body of the Borough. Subject to the provisions of statute and other general law, Council shall have full power to exercise all powers of local government in such manner as Council may determine.
3. Specific Powers. Subject to general law and the provisions of statute. Council may:
  - a. pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
  - b. control and regulate the finances of the municipality and raise money by borrowing or taxation;
  - c. create such offices and positions as Council deems necessary, provided the appointed officers shall perform the duties required by law and the ordinances of the Borough;
  - d. investigate any activity of the municipality;
  - e. remove for cause any officer of the municipality, other than those officers excepted by law;
  - f. override a veto of the Mayor as provided above.

4. Council shall have all the executive responsibilities of the Borough not placed by general law or applicable statutes in the office of the Mayor.
5. Whenever Council fails to confirm the Mayor's nomination of an official to a subordinate office within 30 days of being presented the nomination, Council shall make the appointment if there are three affirmative votes for it, with the Mayor not having a vote except in the case of a tie.
6. Council may, by ordinance, delegate all or a portion of the executive responsibilities of the municipality to an administrator, who shall be appointed pursuant to N.J.S.A. 40A:9-136.
7. Council may, by ordinance, adopt an administrative code, setting forth the manner in which the Council shall perform its duties. If Council organizes itself into standing committees, the administrative code shall specify the powers and duties of such committees and the manner in which they are appointed.
8. Council may create such advisory councils to the Borough as it may choose.

**Relevant Legal Authority:** N.J.S.A. 40A:60-6, 60-7.

### **C. Council President**

**The Council President is elected by Council at the annual reorganization meeting and serves for one year. The Council President presides at meetings of Council in the Mayor's absence but maintains the right to vote. When the Mayor is absent from the Borough for three days or more or is unable to perform the duties of the office, the Council President serves as Acting Mayor and is charged with performing all the duties of Mayor in the Mayor's absence.**

### **D. Mandatory Legislative Procedures**

Three types of legislation can be enacted at meetings: motions, resolutions and ordinances, all of which must be moved, seconded, and voted on at least once.

#### **1. Motions**

Actions that do not create municipal laws, spend money or commit any funds may be taken by simple motions such as approval of minutes, direction to perform a task, or actions taken by the Mayor to open or close a meeting to public comments and questions or to adjourn.

## 2. Resolutions

Resolutions are formal actions that are written out before a meeting when the Borough Council's intent is known or action is required or routine.

Resolutions are passed by a one-time vote upon formal roll call. A copy of each adopted Resolution is formally filed by a clearly identified resolution number and description. Some may require approval by the affirmative votes of a two-thirds majority rather than a simple majority, such as when:

- a. Introducing and adopting the municipal budget;
- b. Making emergency appropriations;
- c. Authorizing payment of bills;
- d. Fixing interest rates on past-due taxes;
- e. Refunding tax overpayments;
- f. Awarding contracts;
- g. Transferring between appropriation accounts or reserves.

## 3. Ordinances

Ordinances are local laws. They address such subjects as traffic, debt, creating municipal positions and departments, salaries or salary ranges for municipal employees, zoning, construction, licensing and other regulation. Once enacted, ordinances usually remain permanently in effect unless a rescinding ordinance is enacted. At least a majority of the full Borough Council must vote in favor on an ordinance for its adoption.

- a. Introduction and adoption: Ordinances are voted on twice, first to introduce the ordinance and then, after an advertised public hearing, a second to adopt it.
- b. Advertising: By law, the Clerk must advertise the pending ordinance at the time of introduction and at least once no less than 10 days before public hearing. The advertising must be placed in a newspaper designated by the Borough Council for the publication of the Borough's legal advertisements.
- c. Public Hearing: All ordinances must receive a public hearing prior to adoption on a date fixed at introduction and then advertised. The hearing must be open to all present for comments. If necessary the Borough Council may continue the public hearing at a later date.

## E. **Council Committees**

1. Appointment. At the first regular meeting, the Mayor shall recommend to the Council President and Council the appointment of all committees of Council. Standing committees, consisting solely of Council members, are appointed to facilitate the work of the Council within statutory limits.
2. Members. Each Standing Committee shall consist of no more than 3 members of the Council.



3. Committees: The current Council committees include:
  - a. Finance
  - b. Personnel
  - c. Public Safety
  - d. Public Works
  - e. Building Department/Construction Code Office/Zoning Administration
4. Chairperson Duties and Responsibilities. The Committees are intended to facilitate the policy and decision-making work of the Council. The Chairs of standing committees do not have any operational responsibility for the administrative departments of the Borough government (i.e. Public Works, Public Safety, Building Department etc.). All operational concerns and issues are the responsibility of the Borough Administrator and respective department heads.
5. Succession. The Mayor and Council shall name a successor to any chair in case of removal, resignation or death while serving in such capacity.
6. Removal. The Borough Council, by a majority vote, shall have the power to remove a member of a committee for cause.
7. Ad-Hoc Committees. Ad-hoc Committees shall be appointed by the Mayor for purposes other than those included in the duties of the standing committees.

#### **F. Borough Boards and Committees Having Council Liaisons**

1. By recommendation of the Mayor, Council shall by resolution appoint one or more members of the Governing Body to serve as a liaison for boards, committees and any other agencies as they see fit.
2. Borough Council Members have been appointed to serve as liaisons on the following boards and committees:
  - a. Parks & Recreation Commission
  - b. Board of Health
  - c. Library Board of Trustees
  - d. Environmental Commission
  - e. Shade Tree Committee
  - f. Open Space Committee
  - g. Economic Development Commission
  - h. Senior Advisory Board
  - i. Historic Preservation Commission
  - j. Hopewell Valley Green Team

## **G. Board of Health**

**The Board of Health is mandated by statute. (NJSA 26:3-1) It consists of five members appointed by the Mayor with the advice and consent of Council. The Board meets quarterly and serves without compensation. (Borough Code, Ch.30)**

**The Board of Health has all the rights powers and duties conferred upon local boards of health by statute. It is authorized to pass, alter or amend ordinances and make rules and regulations in regard to the public health within its jurisdiction for the purposes prescribed by statute. These statutory purposes range from protection of the public water supply and prevention of pollution, to the licensing and regulation of the sanitary conditions of hotels, restaurants, cafes and other public eating houses, to the prevention and prohibition of nuisances. (N.J.S.A. 26:3-2, -31)**

**The Borough Board of Health has not been active in passing ordinances in recent years. When it has, advertising and related scheduling services were provided by the Borough Clerk. Borough Council, at the request of the Board or in collaboration with it, may also enact health-related ordinances.**

**An appointed Health Officer serves as the general agent for enforcement of applicable ordinances and the sanitary laws of the State. All boards of health in municipalities containing a population of 2,000 inhabitants or more are also required to have at least one registered environmental health specialist appointed by the board.**

**As permitted by statute, Pennington Borough and the Pennington Board of Health contract with the Township of Montgomery and the Montgomery Township Board of Health to provide all health services to Pennington required by law, using personnel properly licensed to perform such services. The Township Health Officer is designated by contract to be the Borough's Health Officer and to serve as its general agent for the enforcement of Pennington ordinances and the Public Health laws of New Jersey.**

**The core documents prescribing State-mandated health services, activities and standards are N.J.S.A. 26:3A2-10 and *Public Health Practice Standards of Performance for Local Boards of Health in New Jersey* as set forth in N.J.A.C. 8:52-1.1, et seq.. These documents are incorporated by reference in the shared services agreement with Montgomery Township.**

## H. Borough Clerk

1. Statutory Position. Every municipality must have a certified municipal clerk, appointed by the governing body for a three-year term. The Borough Clerk currently serving the Borough is tenured.
2. Duties. The Borough Clerk shall perform the following duties prescribed by statute:
  - a. act as secretary to the municipal corporation and custodian of records;
  - b. act as secretary to the governing body, preparing meeting agendas as directed, attending all meetings of the governing body, retaining the original copies of all ordinances and resolutions, recording the minutes of every meeting, and performing related responsibilities;
  - c. serve as chief administrative officer in all elections;
  - d. serve as chief registrar of voters;
  - e. serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits;
  - f. serve as coordinator and records manager responsible for implementing local archives and records retention programs required by law;
  - g. perform such other duties as are imposed by statute, regulation or municipal ordinance or regulation.

**Applicable statutes:** N.J.S.A. 40A:9-133.

## I. Borough Administrator

1. Office of Administrator. A Borough ordinance creates the position of Borough Administrator and specifies that the person appointed shall serve at the pleasure of Council for a term of one year. Required education, experience and abilities of the Administrator are also specified. The position is assigned a central leadership role in discharging the executive responsibilities of the Borough.
2. Appointment. The Borough Administrator is appointed by the Mayor with the advice and consent of Council.
3. Purpose. The Borough Administrator is the chief administrative officer of the Borough and is responsible to the Mayor and Council for the proper and efficient administration of the affairs of the Borough, integrating and coordinating the functions of the Borough according to its policies.

4. Specific Duties. The specific responsibilities of the Borough Administrator, as defined by the current ordinance, are the following:
  - a. handle all day-to-day Borough operations, including personnel management, budget control, departmental oversight and municipal operations;
  - b. coordinate operations of all departments to enhance the efficiency of overall Borough activities;
  - c. handle public relations with residents, including citizen complaints and/or requests for services;
  - d. prepare job descriptions and performance evaluations for all non-police employees;
  - e. analyze, review and suggest revisions of municipal policies, procedures, resolutions and ordinances to make local government more responsive to the needs of its residents;
  - f. know state regulations and implement them in a timely manner and keep current of changes;
  - g. review municipal programs/activities and evaluate their administration, objectives, efficiency, effectiveness and suitability to current conditions, costs and accomplishments, and suggest, develop and organize new programs where necessary;
  - h. advise the governing body in matters of policy;
  - i. prepare and develop, with departmental input, the annual budget for presentation to the governing body;
  - j. perform any other duties or tasks assigned by the governing body.
5. The Administrator attends all Borough Council meetings.

**Relevant Legal Authority:** N.J.S.A. 40A:9-136,-137; Borough Code, Chapter 39, Sections 39-23 through 39-27.

## J. Interrelationships

1. The Administrator serves as a liaison between the Borough Council and the departments, boards and officials of the Borough. **Council Members seeking information from employees and officials should communicate through the Administrator.**
2. The Mayor shall serve as the liaison between and among Borough Council and all boards, committees and agencies or organizations not assigned to a specific Council Member for liaison purposes.
3. Council Committees advise Mayor and Council and perform such other functions as may be delegated to them by ordinance.
4. Council members liaise with boards and committees and report to Mayor and Council on developments.

### **III. Key Statutes**

#### **A. Open Public Meetings Act (OPMA)**

**1. Legislative Policy**

The public has a right to have adequate advance notice and the right to attend all meetings of Borough Council and other public bodies at which any business affecting the public is discussed or acted upon in any way, subject only to exceptions in the public interest defined by statute. A covered body must be organized by law and collectively empowered as a multi-member voting body to spend public funds or affect persons' rights.

**2. Definition of Meeting (Requiring Adequate Notice)**

A meeting is any gathering whether in person or by means of communication equipment which is attended by or open to all of the members of a public body held with intent to discuss or act as a unit upon specific public business. However, a meeting does not include any such gathering (1) attended by less than an effective majority of the members of the public body or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

**3. Definition of Adequate Notice**

Adequate notice means written advance notice of at least 48 hours giving the time, date, location, and to the extent known, the agenda of any regular, special or rescheduled meeting, stating whether formal action may or may not be taken. The meeting notice must be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegraphed or hand delivered to at least two newspapers designated by the body to receive such notices, and (3) in the case of the Borough, filed with the municipal clerk. A 48-hour notice is not required for any meeting covered by the annual notice of meetings published by the municipality.

**4. Annual Notice**

Within 7 days of the annual reorganization meeting, the governing body must publish and maintain posted throughout the year in the public place reserved for such notices, mail to the newspapers described above and submit to the municipal clerk, a schedule of regular meetings to be held during the year. The schedule must contain the location of each meeting to the extent known, and the time and date of each meeting. In the event of a change during the year, the revised schedule must be published and circulated in the same manner as the initial annual notice.

**5. Emergency Exception to Notice Requirement**

A public body may hold a special meeting without 48-hour notice upon the affirmative vote of three quarters of the members present if all of the following conditions are satisfied:

- a. the meeting is required to deal with a matter of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest;
- b. the meeting is limited to discussion of and acting with respect to such matter of urgency and importance;
- c. notice of such meeting is provided as soon as possible following the calling of the meeting, by posting written notice in at least one place reserved for public notices and by notifying the two newspapers designated for notices; and
- d. either the need for such a meeting could not have reasonably been foreseen at a time when adequate notice could have been provided, or adequate notice could have been provided but the public body nevertheless failed to do so.

6. Electronic Notice

A public body may provide electronic notice of any meeting through the Internet, although in ordinary circumstances, such notice may not substitute for "adequate notice" defined above. However, during a period declared under State law a state of emergency, public health emergency or state or local disaster emergency, the body may conduct remote meetings electronically and provide electronic notice in lieu of adequate notice. To the extent practicable, the meeting should be limited to subjects relevant to the emergency. However, this provision shall not be construed to limit any authorization under other law.

7. Notices of Ordinance Introduction, Public Hearing and Adoption

Required notices for ordinance introduction, hearing and adoption are not governed by the OPMA but by separate statute. These notices must take the form of paid legal advertisements and be placed as such.

8. OPMA Requirements for Conduct of Meetings

- a. Sunshine Statement: At the commencement of every meeting of a public body, the presiding officer shall announce publicly and cause to be entered into the minutes an accurate statement that (a) adequate notice of the meeting has been provided, specifying the time, place and manner of notice, or (b) that adequate notice was not provided, describing how the conditions for emergency notice are satisfied, or if the need for notice could have reasonably been foreseen but it was not provided, the reason it was not provided.
- b. Public Comment: The Open Public Meetings Act requires as a minimum that *a portion of every meeting be set aside for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the municipality.* The

length of this portion of the meeting is subject to the discretion of the governing body.

- c. Discretion in Conduct of Meeting: Nothing in the Open Public Meetings Act limits the discretion of Council in permitting, prohibiting or regulating the active participation of the public at any meeting as long as the minimum standard for public comment, described above, is met.
- d. Two Periods for Public Comment: A common practice is to provide two periods for public comment, one at the beginning of the meeting for comment on agenda items and one at the end of the meeting for general comment not restricted to the agenda. This allocation permits Council to hear public comment on agenda items before they vote while deferring comment of a more general nature until the business before Council is completed.

#### 9. Meetings Not Required to be Public

All meetings of public bodies must be open to the public at all times subject only to the exceptions defined by statute, when meetings in executive or closed session are permitted. The exceptions involve discussion of the following matters:

- a. matters required to be confidential by federal law, State statute or rule of court;
- b. matters in which release of information would impair a right to receive federal funds;
- c. matters necessitating disclosure of information that would constitute an unwarranted invasion of individual privacy, unless the individual concerned has requested in writing that the material be disclosed publicly;
- d. collective bargaining agreement and related negotiations;
- e. matters involving purchase, lease or acquisition of real property or other investment of public funds if discussion in public could adversely affect the public interest;
- f. discussion of tactics and techniques used in protecting public safety and property, and investigations of violations of law;
- g. pending or anticipated litigation or contract negotiation (other than labor negotiation covered above), or matters falling within the attorney-client privilege;
- h. personnel matters, unless (following Rice notice) all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed in public;
- i. deliberations after a public hearing that may result in the imposition of a specific civil penalty or the suspension or loss of license.

#### 10. Procedural Requirements for Going into Executive or Closed Session.

Before going into closed session, the governing body must first adopt a resolution stating the general nature of the subject to be discussed and

as precisely as possible, the time when and the circumstances under which the discussion in closed session can be disclosed to the public.

#### 11. Minutes

Minutes of all meetings are required by law. The minutes must show at a minimum the time and place of the meeting, the members present, the subjects considered, the actions taken, the vote of each member and any other information which in a particular matter (eg, land use) must be recorded in the minutes.

**Relevant Legal Authority:** N.J.S.A. 10:4-6, et seq.

### B. Local Government Ethics Law

#### 1. Covered Officers and Employees; Definitions

- a. The Local Government Ethics Law establishes a statutory code of ethics for Local government officers and employees. Covered local government officers include, among others, Members of Council and the Planning Board and managerial executive employees as defined by regulation.
- b. Members of Council and other local "officers" must also file annual financial disclosure statements with the Department of Community Affairs. The filed disclosure statements are public records.
- c. Covered local employees (as opposed to "officers") include all paid employees of the Borough as well as any person serving on a Borough board, committee or commission that performs a function other than of a purely advisory nature. Coverage is broad. It is not affected by whether the person is compensated or not, part-time or full-time. N.J.S.A. 40A:9-22.3.

#### 2. The Code of Ethics set forth further below incorporates the following definitions of key terms:

- a. "member of immediate family" means a spouse or dependent child residing in the same household;
- b. "business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;
- c. "interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization (not including control of the assets of a non-profit entity or labor union).

#### 3. Prohibited Conduct under the Local Government Ethics Law

- a. The following ethical standard is likely to raise the most frequent questions for decision-makers:
  - i. No Member of Borough Council shall act in an official capacity in any matter where the Member, or someone in the Member's immediate family, or a business organization in which the



Member has an interest has a **direct or indirect financial or personal involvement** that might reasonably be expected to impair the Member's objectivity or independence of judgment.

ii. The term "**involvement**" as used here is different than an "interest" as earlier defined. Whether a Member has a prohibited "involvement" in a matter before Council often requires a case by case judgment based on the particular facts. Factors weighed in the process of making a judgment include not only actual conflict of interest but also the "appearance of conflict."

iii. Members are advised to ask for advice with respect to particular situations they have any uncertainty about. Advice may be obtained from the Borough Attorney and/or advisory opinions as needed may be obtained from the Local Finance Board in the Department of Community Affairs.

b. The other provisions of this code of ethics include:

i. No Member and no one in a Member's immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the Member's proper discharge of his duties in the public interest.

ii. No Member shall use or attempt to use the Member's official position to secure unwarranted privileges or advantages for himself or others.

iii. No Member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice the Member's independence of judgment in the exercise of official duties.

iv. No Member or anyone in the Member's immediate family or any business organization in which any of them has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value that may appear to be given or offered for the purpose of influencing the Member, directly or indirectly, in the discharge of official duties. (This prohibition does not apply to solicitation or acceptance of a contribution to the campaign of a Member who is an announced candidate for elective public office and has no knowledge or reason to believe that the contribution was made with the intent of influencing the Member in the discharge of official duties.)

v. No Member shall use or allow to be used the Member's office or any information not generally available to the public, received in the course of being in office, for the purpose of securing

financial gain for the Member or the Member's immediate family or any business organization with which the Member is associated.

vi. No Member or business organization in which the Member has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before Council or any agency in the Borough. (This provision does not apply to one employee representing another in the context of official labor union or similar representational responsibilities.)

vii. A Member shall not be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward or other thing of value is promised or given to the Member or the Member's immediate family, directly or indirectly, in return.

- c. Nothing shall prohibit a Member or the Member's immediate family from representing themselves in negotiations or proceedings concerning his or their own interests, provided such activity is compliant with the other provisions.
- d. No Member shall be deemed in conflict with these provisions if by participating in Council action the Member obtains material or monetary gain as part of a business, profession, occupation or group, provided any such gain could reasonably be expected to accrue to other members of the business, profession, occupation or group.

### **C. Laws Against Discrimination**

**The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-2.1, et seq., prohibits unlawful discrimination in employment, public accommodation, housing, land use, lending and association membership. Compliance with Equal Employment Opportunity by vendors and contractors is a condition of every Borough contract, whether for services or for construction of public works.**

#### **Unlawful Employment Practices**

**The NJLAD defines as an unlawful employment practice and an unlawful discrimination the refusal to hire or employ or to bar or discharge from employment, or require to retire, unless justified by lawful considerations other than age; or to discriminate in compensation or in terms, conditions or privileges of employment, for a reason prohibited by the Law. The reasons prohibited by law include:**

**“race, creed, color, national origin, ancestry, age,**

marital status, civil union status, affectional or sexual orientation, genetic information, pregnancy or breast-feeding, sex, gender identity or expression, disability or atypical heredity cellular or blood trait of any individual, or . . . liability for service in the Armed Forces of the United States, or the nationality of any individual, or . . . the refusal to submit to a genetic test or make available the results of a genetic test . . .” (N.J.S.A. 10:5-12)

Borough Personnel Policies and Procedures make clear that the Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title IV of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the NJLAD. Decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels that they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, the Borough Administrator, the Borough Clerk or the Borough Attorney. See the full text of Borough Policy 1.1, Equal Employment Opportunity Policy.

#### Americans With Disabilities Act

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the NJLAD, the Borough shall not discriminate against any employee or job applicant on the basis of a known or perceived disability and shall make reasonable accommodations for applicants and employees with disabilities, provided the individual is otherwise qualified to safely perform the essential functions of the job and the accommodation does not impose undue hardship on the Borough.

As required by law, the Borough Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. However, the ADA does not require the Administrator to offer permanent “light duty” or relocate essential job functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs and the like. See the full text of Borough Policy 1.2, Americans With Disabilities Act Policy.

#### Policy Against Harassment/Sexual Harassment

The Borough prohibits harassment on the basis of actual or perceived sex, race, creed, color, religion, national origin or other characteristic for which discrimination is prohibited. While it is not

always easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing and other verbal and physical conduct.

The Borough has a strong commitment to maintaining a workplace free of sexual harassment. Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitutes harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

It is the responsibility of all employees to bring these kinds of problems to the attention of the appropriate officials so that steps may be taken to correct them, whether the person violating the policy is a fellow employee, management representative, supplier, volunteer or business invitee.

This policy must be reinforced with effective training, for both supervisory and non-supervisory employees. The goal of effective training is to build a culture in which all employees feel safe. Training should empower participants to intervene appropriately when they witness harassment or discrimination and include tools for response and lodging complaints. See the full text of Policy 1.7, Policy Against Harassment; and Policy 1.8, Anti-Sexual Harassment Policy.

#### **Anti-Discrimination Principles Applied to the Hiring Process**

The Borough Personnel Policies and Procedures Manual describes a procedure for recruiting and hiring new employees, coordinated by the Borough Administrator in conjunction with the Borough Clerk, to ensure compliance with contractual, legal and equal opportunities and the Equal Pay Act.

Notification of vacancies are to be distributed to all departments and where positions are advertised, the media or other periodical used must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds. These advertisements must prominently state that the Borough is an equal opportunity employer.

All candidates must complete a uniform application form. A resume will not be considered a substitute. The application will be a confidential document.

The Borough Administrator or Supervisor will coordinate the interview process including the scheduling of applicants and development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries.

After an offer of employment is made and prior to commencing employment, the Borough Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position.

The final decision will be made by the Borough Council after all references and other information has been verified. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer, with a deadline for acceptance.

After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form and provide acceptable proof of right to employment in the United States.

All applications, interview notes, reference checks and other documents generated during the hiring process must be returned to the Borough Clerk. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records must be maintained in a separate file. All records and documents relating to the other candidates must be retained for at least one year. All records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

See full text of Procedure 6.1, Employment Procedure.

#### **D. Municipal Vacancy Law**

When the office of Mayor or Council Member becomes vacant by reason of death, resignation, moving out of town or the various other reasons recognized as creating a vacancy under the Municipal Vacancy Law, N.J.S.A. 40A:16-1, et seq., the vacancy must be filled in accordance with the following procedures.

##### **General Requirements**

1. If the vacancy occurs after September 1 of the next-to-last year before expiration of the officeholder's term, Council may fill the vacancy by

appointment. The process for making that appointment is described further below.

2. If the vacancy occurs at any other time, the office must be filled for its unexpired term at the next general election. The date of that election may not be less than 60 days after the occurrence of the vacancy. In the meantime, Council may fill the vacancy temporarily by appointment.

3. An appointment by Council to fill a vacancy in the office of Mayor shall be by a majority vote of the entire membership of Council (i.e., by four affirmative votes).

4. An appointment to fill a vacancy in the membership of Council shall be by a majority vote of the remaining members of Council. The Mayor shall be permitted to vote only in the case of a tie.

#### **Appointment Procedures**

5. If the officeholder whose office has become vacant was elected as the nominee of a political party, the municipal committee of that party shall no later than 15 days after occurrence of the vacancy, present to Council the names of 3 nominees to fill the vacancy. No later than 30 days after the occurrence of the vacancy, Council shall appoint one of the 3 nominees. If Council fails to do so, the municipal committee shall, within the next 15 days, appoint one of the nominees and that person shall be sworn in immediately.

6. If the municipal committee fails to submit 3 nominees within 15 days after occurrence of the vacancy, Council may within the next 15 days appoint a person from the same political party as the officeholder whose office has become vacant.

7. If the officeholder whose office has become vacant was not the nominee of a political party, Council may appoint a successor without regard to party.

#### **Failing or Declining to Make an Appointment**

8. If Council fails or declines to fill a vacancy in the membership of Council by appointment within the time prescribed, the office shall remain vacant for the remainder of the term or until a successor is elected and qualified.

9. If Council fails or declines to fill a vacancy in the office of Mayor in conformance with prescribed procedures, and the vacancy occurs in other than the final 6 months of the Mayor's term, the Borough Clerk

shall fix a date for a special election to fill the vacancy. The special election may not be held less than 45 days nor more than 50 days after expiration of the time for filling the vacancy. If that date falls within 20 days prior to the general election or other scheduled election in the Borough, the vacancy shall be filled at that election and not by special election. If the date prescribed for a special election falls within 20 days after the general election or other scheduled election in the Borough, then the special election to fill the vacancy shall be held not less than 20 days nor more than 25 days from the date of the previously scheduled election.

10. If the vacancy in the office of Mayor occurs in the final 6 months of the Mayor's term, no special election shall be held.
11. No appointment shall be made by Council to fill a mayoral vacancy after a date for a special election has been fixed.

#### **Vacancy After Election Before Taking Office**

12. If after election for Mayor or Council Member the person elected shall die before commencement of the term, the applicable municipal committee shall appoint another person to fill the position until the next regular municipal election. If the person was not the nominee of a political party, Council shall appoint a successor to fill the office until the next regular municipal election without regard to party.

#### **Other Statutory Provisions**

13. All appointees to fill a vacancy, whether for an unexpired term or temporarily, shall take office immediately after appointment and qualification.
14. Persons elected to serve for an unexpired term shall take office immediately upon certification of the results of the election.
15. Persons elected to serve a full term shall take office on the date fixed for the commencement of the term.
16. The Municipal Vacancy Law and legal counsel should be consulted for unique situations. The statute also prescribes procedures for fixing the date of a special election, nomination of candidates for that election and the like.

### **IV. COUNCIL BY-LAWS**

#### **A. Rules of Conduct**

1. Compliance with Law. All Council Members embrace their commitment to uphold the law and conform their actions to it at all times, consistent with their oath of office. This commitment includes meticulous compliance with the Open Public Meetings Act, the Local Government Ethics Law and the Law Against Discrimination.
2. Political Activity. Members shall not engage in partisan political activity on municipal time or property. This shall not be construed to prevent members from becoming or continuing to be members of any political party, club or organization, attending political meetings or expressing partisan political views or circulating petitions on public questions outside of working hours and off municipal property. Nor shall members be prevented from voting with complete freedom in any election.
3. Attendance. All Members recognize their obligation to attend conscientiously the meetings of Council and the committees and liaison activities to which they have been appointed.
4. Role as Liaison. No Council Member may vote on any board or committee on which they serve as liaison. In other words, Council liaisons are not voting members of the boards, committees, or commissions for which they serve as Council liaison.
5. References. The Mayor shall refer all communication addressed to Mayor and Council, petitions, proposed ordinances, proposed resolutions and reports, to the appropriate committees of Council as soon as practicable after receipt by the Borough.

## **B. Scheduling of Council Meetings**

1. Annual Meetings. An annual Reorganization meeting shall be held within the first 7 days of January to administer the oath of office for newly elected members. Members shall elect one member as Council President to serve for the Calendar Year.
2. Regular Meetings. Regular council meetings shall be set by Resolution at the annual Reorganization meeting. Borough Council has traditionally conducted its regular meetings on the first Monday of every month at 7:00 p.m.
3. Special Meetings. The Mayor shall, when necessary, call special council meetings with at least 48 hours' notice to council members and the public. Any four members of Council may call such meetings if the Mayor neglects or refuses to do so.
4. Executive Sessions. Closed executive sessions shall be noticed and held in accordance with N.J.S.A. 10:4-12(b).



5. Actions to be Taken. Borough Council may not take action on any matter except in a regular, special or emergency meeting. No actions may be taken during closed sessions.

### **C. Agenda**

1. The meeting agenda shall be prepared by the Mayor, the Borough Administrator and the Clerk. Any item that Council wishes to add to the agenda must be provided by the Wednesday of the week before the meeting.
2. Agendas for regular meetings will be made available to the Council and posted on the Bulletin Board in Borough Hall and the Borough website on the Friday before the Monday evening meeting.

### **D. Notice**

Notice of all meetings shall be given by the Borough Clerk in accordance with the Open Public Meetings Act.

### **E. Quorum**

1. Three (3) Council Members and the Mayor or four (4) Council Members in the absence of the Mayor shall constitute a quorum for transacting business.
2. In the Absence of the Mayor, the Council President shall preside as Mayor. If the Council President is unable to attend, the Council Member with the longest tenure on the Governing Body shall act temporarily for the President of the Council. The Council President or senior member shall retain the right to debate and vote on all questions before Council.

### **F. Order of Business**

1. Subject to Authority of Mayor and Council. The order of business prescribed below may be changed by the Mayor or by a majority vote of the Council members present.
2. Regular Meetings
  - a. Meeting called to Order - Mayor
  - b. Roll call – Borough Clerk
  - c. Open Public Meeting Statement
  - d. Meeting Open to the Public for Comment on Agenda Items Only.  
The speaker shall:
    - i. State their full name,
    - ii. State their full address
    - iii. Have 3 minutes to speak and can be permitted additional time by the Mayor
  - e. Mayor's Business
  - f. Approval of Minutes

- g. Ordinances for Introduction
- h. Ordinances for Public Hearing and Adoption
- i. Committee Reports
- j. Council Discussion
- k. Professional Reports
- l. Resolutions – Routine business may be done by Consent Agenda.  
Any council member has the right to pull a resolution from this Agenda.
- m. Presentation and Approval of Bills and Claims
- n. Meeting Open to Public for General Comment
- o. New Business
- p. Adjournment

### 3. Special Meetings

- a. Meeting called to Order – Mayor
- b. Roll call – Borough Clerk
- c. Open Public Meeting Statement
- d. Open to the Public – Agenda Items only. The speaker shall:
  - i. State their full name,
  - ii. State their full address
  - iii. Have 3 minutes to speak and can be permitted additional time by the Mayor
- e. Business in order stated in the Notice
- f. Adjournment

## B. Procedural Rules

1. OPMA Compliance. Meetings shall be held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4–6 et. seq. (Refer to Rules of Conduct - section III)
2. Robert's Rules. All deliberations shall be governed by Robert's Rules of Order unless otherwise provided herein or by statute or Borough ordinance.
3. Debate. Every member of the Council shall request recognition of the Chair and address the chair for no more than 5 minutes unless consented to by the majority of the members present. The Mayor may engage in debate in matters brought before the Council.
4. Decorum. The Mayor shall preserve order and decorum on all occasions and may cause the removal of all persons who interrupt Council proceedings. To preserve order while a Member is speaking all others shall refrain from interruptions.

5. Recognition. The Mayor shall recognize speakers entitled to the floor and guide the proceedings. No Council member shall be denied recognition should they choose to speak.
6. Points of Order. The Mayor shall decide all questions on points of order.
7. Seconds. No question shall be put or debated unless seconded.
8. Reconsideration. Once a motion has been decided, a member of the majority vote may move to reconsider more than once.
9. Action. A motion is deemed to be in possession of the Borough Council when it has been stated by the Presiding officer or made by a committee report.
10. Motion. When a question is before the Borough Council, the only motions in order shall be in the order they stand and as follows:
  - a. to adjourn
  - b. to lay on the table
  - c. for the previous question
  - d. to postpone
  - e. to refer
  - f. to amend
11. Voting. The Mayor shall put to vote all questions which are regularly moved or otherwise arise in the course of proceedings.
12. Record Votes. The ayes and nays may be called for by a member or the Presiding officer, a record of which will be entered in the minutes. A member may change their vote at any time before the result is announced.
13. Disputes. Robert's Rules of Order shall govern in cases of disputes over the interpretation of rules and procedures.
14. Public Comment. The public shall be offered the opportunity to address the Borough Council at Council Meetings as follows:
  - a. Initial Comment Period (for Items on Agenda) - Members of the public may address the Council on any item listed on the agenda. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than 3 minutes.
  - b. Ordinance Public Hearings - Members of the public may address the Council relative to specific ordinances scheduled for public hearing and adoption. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than 3 minutes. It is noted that there is no public hearing

requirement for the introduction of Ordinances. However, the public may comment on such introductory ordinances during the initial comment period at the beginning of the Council meeting.

- c. Second Public Comment Period (Unrestricted as to Subject) - At the end of each Council meeting the public shall be provided the opportunity to address the Council on any matter of concern. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than 3 minutes.
- d. Responses to Comments - Council members and the Mayor shall be given the opportunity to respond to the public's questions and comments.

15. Adjourn. A motion to adjourn shall always be in order except when a member is in possession of the floor, when the ayes and nays are being called and the members voting, and when adjournment was the last preceding question.

16. Record of Actions Taken.

- a. Ordinances and Resolutions - The Clerk shall maintain and keep all adopted Ordinances and Resolutions on file and submit the same to the website.
- b. Reports - The Clerk shall file all reports by Council Members and all papers presented to or acted upon by the Council.
- c. Minutes - The Clerk shall maintain an electronic copy of meeting minutes and make them available to the Mayor and Council Members and, once approved, publish them on the Borough website. The minutes shall indicate at minimum: date, time, and name of attendees and those absent, proposals considered and a record of any vote taken and how each member voted.

**Relevant Legal Authority:** N.J.S.A. 40A:60-3; N.J.S.A. 10:4-12, N.J.S.A. 10:4-6.

## H. Adoption and Amendments

### 1. Adoption

The Council Bylaws shall be adopted by a resolution of the Council concurred in by a majority of the members of the Council. The bylaws shall become effective immediately after adoption and shall remain in effect until amendments are proposed and adopted.

### 2. Amendments

- a. The Mayor or any member of the Council may propose amendments to these Bylaws
- b. Amendment shall require a two-thirds vote on a roll call at a regular public session of the Council.